

IRRIGATED LANDS REGULATORY PROGRAM UPDATE

November 2014

This month's Irrigated Lands Regulatory Program (ILRP) report covers through the month of November 2014 and will provide an update on the activities of the North Coast, San Francisco, Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Regional Water Quality Control Board ILRPs. Future monthly reports will alternate between the status of the ILRP from the Central Valley Regional Water Board for one month, and the status of other Regional Water Board ILRPs for the alternate month. Current and past ILRP program monthly reports can be found on the [State Water Board Irrigated Lands Regulatory Program](#) website.

STATE WATER BOARD

On November 4, 2014 ILRP staff participated in a conference call with the California Leafy Green Marketing Agreement, United States Department of Agriculture regarding proposed revisions to the Food Safety Modernization Act.

On November 5, 2014, ILRP and Nonpoint Source (NPS) staff met with Environmental Defense Fund staff regarding agricultural and greenhouse gas markets. Meeting included discussion on the American Carbon Registry Protocol for N20 emissions reductions.

On November 6, 2014, ILRP staff participated in a Natural Resource Conservation Service State Technical Guide Committee meeting to discuss project selection for potential Farm Bill funding.

On November 17 – 21, 2014, ILRP staff participated in the United States Environmental Protection Agency (USEPA) Nonpoint Source (NPS) Annual Conference. Conference attendee's included Regional EPA, NPS, Water Quality Agencies from each state in the country, as well as representatives from Guam and American Samoa. Other issues discussed were importance of developing formal inter-agency partnerships to address NPS pollution and the status of the National Water Quality Initiative projects in each state.

On November 21, 2014, ILRP staff participated in a California Certified Crop Advisor Board of Director's meeting.

NORTH COAST REGION

North Coast Regional Water Quality Control Board (Regional Water Board) staff continue to develop the Agricultural Lands Discharge Program, focusing on a series of targeted permits specific to agricultural commodities or geographic areas. In addition, Regional Water Board staff are currently drafting WDRs for discharges from cannabis

cultivation. In the near term, Regional Water Board staff are developing permits for discharges from vineyards and orchards, agriculture in the Tule Lake watershed, and lily bulb cultivation. An update these efforts follows.

Agriculture Discharges in the Tule Lake Basin:

An informational letter was sent to landowners in the Tule Lake Basin as requested by the Tulelake Irrigation District (TID) and the Lava Beds-Butte Valley RCD explaining the approach to developing the permitting program and the organization of a third-party program to facilitate compliance. TID and the RCD held a series of workshops this winter to outreach to their community, explain the process, and encourage participation in the third-party program. Concurrently, Regional Water Board staff are writing the draft permit to share with the Advisory Group in Spring 2015. Regional Water Board staff are also working with the Klamath Water Users Association and TID on developing a draft water quality management plan that can be used to fulfill the planning requirements of the upcoming permit.

Lily Bulb Cultivation:

The growers submitted a draft plan and Regional Water Board staff are in the process of commenting and refining that draft. Concurrently, Regional Water Board staff are writing the draft permit to share with the Lily Bulb Production Advisory Group in 2015 following work on the Tule Lake permit. Sampling will continue through next year in order to conduct at least two more wet weather sampling events.

Vineyards & Orchards:

Regional Water Board staff are coordinating with the San Francisco Bay Regional Water Quality Control Board's (Region 2) development of a discharge permit for vineyards in the Sonoma Creek and Napa River watersheds, with the intent of being as consistent as possible between the regions. Regional Water Board staff will begin drafting WDRs for discharges from vineyards and orchards after the adoption of the other two Agricultural Lands Discharge Program permits.

Scott River & Shasta River Watershed:

Regional Water Board staff continue to implement the TMDL Waivers of Waste Discharge Requirements for the Scott and Shasta River watersheds.

SAN FRANCISCO BAY REGION

San Francisco Bay Regional Water Quality Control Board (Regional Water Board) staff continues to develop its [Agricultural Lands Discharge Program](#). More information can be found on the Region 2 website.

Regulation of discharges from vineyard properties located in the Napa River and Sonoma Creek watersheds through the development of general waste discharge requirements (WDRs) is a significant Program focus.

To this end, Regional Water Board staff continued to prepare a draft environmental impact report that will evaluate potential environmental impacts from implementing the Vineyard WDRs. Staff also continue to interface with third-party technical assistance groups, through a combination of telephone meetings and 319 (h) grant-specific actions, aimed at developing and expanding local technical expertise, tools, and templates to assist growers with Vineyard WDRs compliance (in anticipation of permit adoption). We anticipate that third parties will provide services ranging from site assessment and farm planning, assistance with best management practice selection, annual reporting, and possibly, fee collection. Staff continue to coordinate permitting strategy and general timeline with the North Coast Regional Water Board.

Additional elements of the Agricultural Lands Discharge Program include the administration of a pair of conditional waivers of WDRs for rangeland grazing operations located in the Tomales Bay, Sonoma Creek, and Napa River watersheds; the confined animal facility (CAF) Program which currently includes dairies located in Marin and Sonoma counties; and the Grazing Program element work focused on strategizing on, and preparing for, rainy season inspections and annual compliance report reviews. Regional Water Board staff also continued to participate in the Statewide Grazing Regulatory Action Program (GRAP) and contributed to the focused listening session efforts, that are underway and being led by the Lahontan Regional Water Quality Control Board.

CAF Program work consisted of revising two permits, a conditional waiver of WDRs and general WDRs, following internal review and readying them for review by a small technical advisory group (TAG) familiar with animal management to review key elements of the two permits before public notice. Work also occurred to coordinate the North Coast Water Board and with the State Board's fee unit on proposed fee changes on waivers of WDRs for CAF operations and to provide CAF-related complaint response assistance to the Enforcement Unit.

CENTRAL COAST REGION

ILRP Activities at a Glance:

Growers were required to update their annual compliance form and eNOI by October 1, 2014. Other reporting requirements were also due, including total nitrogen applied forms and groundwater data reporting for some growers. At the time of this report development, Regional Water Board staff had not yet assessed the compliance rate with these requirements. However Regional Water Board staff received about 500 total nitrogen applied reports; more are still coming in. Several hundred were received in hard copy, many emailed, and others sent using a PDF format that can be uploaded to a spreadsheet. Regional Water Board staff is currently checking each form for completeness and developing summary statistics on the data submitted thus far.

Central Coast Water Quality Preservation, Inc. (aka Preservation Inc., the cooperative

surface water monitoring program) is implementing a fee reduction in 2015 for growers participating in the Cooperative Monitoring Program; 2015 fees will be approximately 33% less than 2014 fees. Preservation Inc. will begin mailing invoices for the 2015 billing cycle in December 2014.

Regional Water Board staff sent tier update letters to about 400 ranch operators; most of the updates were from tier 1 to tier 2. Regional Water Board staff reversed about 60 tier updates after receiving more refined information from growers and their consultants. Regional Water Board staff is allowing time before reporting requirements, for those affected by these new tier assignments, need to be submitted.

Items for Discretionary Review by the Regional Board:

The Ag Order identifies discretionary actions by the Executive Officer that are subject to review by the Regional Board. Staff has posted items subject to discretionary review at the Irrigated Lands Regulatory Program section of the Region Water Board internet site and updates it quarterly for review. Regional Water Board staff notify interested parties of the updates through subscription to a Lyris list. Discretionary Review items include Provision 11 for approval or denial of a third-party project or program, Part 2 of the MRP for approval or denial of a cooperative groundwater monitoring programs, and Provision 18 for approval of a farm to transfer to a lower tier, or requirement of a farm to transfer to a higher tier.

Drinking Water Notifications:

Based on results of individual groundwater monitoring, Regional Water Board staff continues to issue "Drinking Water Notification" letters to those growers and landowners whose domestic water supply wells exceed the drinking water standard for nitrate or nitrogen.

As of October 10, 2014, the Water Board has issued approximately 117 drinking water notification letters to growers and landowners who have one or more domestic drinking water wells which exceed the drinking water standard – some farms/ranches have multiple groundwater wells with exceedances.

Cooperative Groundwater Monitoring (Central Coast Groundwater Coalition):

Regional Water Board staff continues to coordinate closely with the Central Coast Groundwater Coalition (CCGC) to implement cooperative groundwater monitoring program requirements. Regional Water Board staff met with CCGC staff on September 30, 2014, and again on October 1, 2014, to discuss alternatives for verifying drinking water notifications, in follow up to the July and September 2014 board meetings. Regional Water Board staff also met with CCGC for the regular cooperative groundwater monitoring program coordination meeting on October 14, 2014, in Salinas.

The CCGC issues drinking water notification letters for growers and landowners who are CCGC members. As of October 10, 2014, the CCGC issued approximately 194 drinking water notification letters to growers and landowners who have one or more domestic drinking water wells which exceed the drinking water standard – some

farms/ranches have multiple groundwater wells with exceedances.

Regional Water Board staff reviewed CCGC's method of disclosing drinking water notification letters and the required follow-up action at the November 13-14, 2014 hearing. Regional Water Board staff concluded, and the Central Coast Water Board agreed, that CCGC's method of disclosure is functionally equivalent to the notification process for individual growers (non-CCGS members).

LOS ANGELES REGION

Compliance with the Renewed Conditional Waiver:

The Nursery Growers Association Los Angeles County Irrigated Lands Group (NGA-ILG) and the Ventura County Agriculture Irrigated Lands Group (VCAILG) are the two discharger groups in the Los Angeles Region that have formed to comply with the Conditional Waiver. To comply with the Conditional Waiver, the growers must enroll in these groups or individually enroll in the program.

Enrollment:

On October 21, 2014 Regional Water Board staff participated in a conference call with the general manager of NGA-ILG to discuss enrollment in the Conditional Waiver for irrigated agricultural lands in Los Angeles County. In Ventura County, four out of ten growers re-enrolled in VCAILG in response to Notices of Violation the Regional Water Board staff sent out on August 15, 2014. Regional Water Board staff will continue with enforcement efforts as necessary. Regional Water Board staff also continues to work with individual enrollees to help them in the process of complying with the Conditional Waiver.

Water Quality Management Plan (WQMP):

Regional Water Board staff reviewed and approved the 2013 WQMP prepared for Ventura County Agricultural Irrigated Lands Group.

Irrigated Lands Program Region 4 GIS Database:

Regional Water Board staff has been continuously managing the Irrigated Lands Program geodatabase. Regional Board staff is working on creating maps to display data for enrollment and best management practice implementation, including irrigation system upgrades provided by the Mobile Irrigation Lab grant.

Education Workshops and Outreach:

Regional Water Board staff approved two educational credit requests. The first course held on October 16, 2014 provided updated information on irrigation and management practices. The second course, attended by Regional Water Board staff, was the 2014 California Nursery Conference held on November 13, 2014. This conference provided information about irrigation management practices in nurseries and outdoor demonstrations for determining distribution uniformity in drip systems.

Los Angeles Regional Water Board staff participated in the National Nonpoint Source Training Workshop in Dallas, Texas on November 17 through November 20, 2014. Los Angeles Regional Water Board staff presented "California's Agriculture: Its Diversity, Water Quality Challenges, and NPS Solutions".

Interagency Coordination:

Regional Water Board staff continues to work with the Natural Resource Conservation Service (NRCS), EPA, and State Water Board staff on the National Water Quality Initiative (NWQI) in the Calleguas Creek watershed. The NWQI program provides financial assistance to help farmers and ranchers implement conservation systems to reduce nitrogen, phosphorous, sediment and pathogen contributions from agricultural land. Regional Water Board staff also continues to work with local NRCS staff in Ventura County to reach out to growers about the NWQI.

Grant Management:

Regional Water Board staff continues to manage a Clean Water Act section 319(h) grant which was executed for the purpose of identifying the contribution of and reducing metal loadings from nurseries and other irrigated agricultural lands in the San Gabriel River Watershed (Grant Agreement No. 11-098-554). The grantee is the Council for Watershed Health (CWH). CWH has reported the pre-BMP monitoring results and updates on surveys and outreach.

LAHONTAN REGION

The Lahontan Regional Water Quality Control Board (Regional Water Board) staff spent much of its efforts during the October/November 2014 reporting period on administrative tasks supporting the Irrigated Lands Regulatory Program.

Regional Water Board staff attended the State Water Board's de-briefing on the Agricultural Expert Panel Draft Report.

Regional Water Board staff provided additional information to help State Water Board staff complete its Irrigated Lands Regulatory Program Workload Matrix.

Regional Water Board staff surveyed permitting programs from Regions 3 and 8 to begin evaluating recommendations for a Lahontan Water Board Irrigated Lands Regulatory Program.

Regional Water Board staff also spent significant time working on contaminated groundwater issues in the community of Hinkley as they relate to agricultural impacts.

Regional Water Board staff attended the Hinkley area public Citizens Advisory Committee meeting and described our efforts to collect residential well samples for nitrates and minerals (meeting occurred on September 25, 2014, but after submittal of

last bi-monthly report).

Regional Water Board staff sampled 5 residential wells in the Hinkley area for nitrate and other constituents and provided results to residents.

Regional Water Board staff conducted field visits and signed up eight additional residential wells to sample.

Regional Water Board staff met with the B&E Dairy to discuss a public draft Cleanup and Abatement Order, including the dairy's nutrient management plan and wash water application protocol for irrigated land application.

COLORADO RIVER BASIN REGION

As of November 6, 2014, the implementation and management of the Irrigated Lands Regulatory Program's Conditional Waivers is the responsibility of the Non-Point Source Program staff. Colorado River Basin Water Board (Regional Water Board) staff continues to implement three Conditional Waivers of Waste Discharge Requirements (WDRs), and plan to bring a fourth before the Regional Water Board in early 2015. Once the fourth Conditional Waiver is adopted, all agricultural areas in the region will be regulated.

On September 20, 2012, the Colorado River Basin Water Board adopted a Conditional Waiver of WDRs for agricultural wastewater discharges within the Palo Verde Valley in Riverside and Imperial Counties (Board Order R7-2012-0047). This Conditional Waiver affects over 130,000 acres in eastern Riverside County and northeastern Imperial County. The responsible parties include individual farmers, and the Palo Verde Irrigation District (PVID). Implementation has begun with PVID forming the Palo Verde Outfall Coalition (PVOC) group that represents landowners and farmers regulated by the Conditional Waiver. According to the PVOC group, membership is at over 99%. The PVOC group's water quality monitoring program began in November 2013, and they submitted their first Annual Monitoring Report dated March 7, 2014 to the Regional Water Board, stating that the water quality objectives of the Basin Plan are being met. The PVOC group will continue with the Group Compliance Program and submit their second Annual Monitoring Report in March 2015.

On January 17, 2013, the Regional Water Board adopted a Conditional Waiver of WDRs for agricultural wastewater discharges originating within the Bard Unit of Reservation Division (Board Order R7-2013-0002). This Conditional Waiver affects approximately 7,000 acres of farmland along the Colorado River near Yuma, Arizona. The responsible parties include individual farmers, and the Bard Water District. Bard Water District submitted a Notice of Intent to the Regional Water Board in February 2014, stating that it will develop and implement a Coalition Group Compliance Program for eligible members to obtain coverage under the Conditional Waiver. Bard Water District is in the process of forming the Bard Unit Coalition Group (BUCG), a nonprofit organization that will represent landowners and farmers regulated by the Conditional

Waiver. In May 2014, the BUCG submitted its draft Compliance Program and Monitoring and Reporting Program plans for review by Regional Water Board staff. Staff is in the process of finalizing the draft Monitoring and Report Program Plan. The next steps will be for the BUCG to prepare a Quality Assurance Program Plan, begin monitoring, and start the Group Compliance Program.

On June 26, 2014, the Regional Water Board adopted a Conditional Waiver of WDRs for agricultural dischargers in the Coachella Valley (Order No. R7-2014-0046). This Conditional Waiver affects about 60,000 acres of farmland in central Riverside County. The responsible parties include individual farmers, the Coachella Valley Water District (CVWD) and the Coachella Valley Irrigated Lands Coalition (CVILC) group. The CVILC group, a nonprofit organization, submitted a Notice of Intent to the Regional Water Board in September 2014, stating that it will develop and implement a Coalition Group Compliance Program for eligible members to obtain coverage under the Conditional Waiver. The CVILC group will be responsible for fee collection from agricultural landowners and the monitoring program. On October 31, 2014 CVWD, the local water purveyor, submitted a list of their current customers who receive water for irrigated land in the Coachella Valley; and the Assessor's Parcel Number (APN) of the irrigated land. A Monitoring and Reporting Program Plan was adopted with the Conditional Waiver in June 2014. The next steps will be for the CVILC group to prepare a Group Compliance Program Plan, Quality Assurance Program Plan, begin monitoring, and start the Group Compliance Program.

The Imperial Valley is the last agricultural area in the region that is not regulated by a Conditional Waiver. Regional Water Board staff is finalizing the environmental documents and are planning to release draft documents in December 2014, and to bring a Conditional Waiver of WDRs for agricultural discharges in Imperial Valley before the Regional Water Board for consideration of adoption in early 2015. This Conditional Waiver will affect over 450,000 acres of irrigated lands in the Imperial Valley near the International Boundary with Mexico. The interested parties include individual farmers, the Imperial Irrigation District and Imperial County Farm Bureau. Regional Water Board staff continues coordinating with interested parties in the Imperial Valley to develop this Conditional Waiver.

SANTA ANA REGION

Latest drafts of CWAD documents have been revised to call for mitigation and offset measures for TDS and N impacts to groundwater, and to address concerns regarding land application of mulch or untreated green waste on dry, non-irrigated farmland as "soil amendment". Draft Staff Report has been revised to include recommendations from the CWAD Advisory Group. Draft Order has also been made available to the CWAD Advisory Group for comments.

Santa Ana Regional Water Quality Control Board (Regional Water Board) staff are continuing to work towards adoption, and initial implementation, of a conditional waiver

of WDR (Ag Waiver) targeting the agricultural operations in the San Jacinto River Watershed of the Region. Initial implementation will be characterized by enrolling at least >50% of known agricultural operations in the conditional waiver who meet enrollment criteria. The objective for FY 2014-15 is to adopt and begin implementing the CWAD Program by focusing on agricultural operations in the target San Jacinto River watershed.

Desired outcome of the Ag Waiver is to measurably reduce NPS pollution, principally N and TDS loadings from agricultural operations in San Jacinto River Watershed to surface and ground waters. From an estimated 200 potentially eligible Ag Waiver enrollees, the CWAD Program will seek to attain at least 10% enrollment during initial phase-in, with the remaining eligible growers enrolled over time. CWAD Program advisory group of major stakeholders and agricultural operators meets on a regular basis to coordinate the development of waiver requirements and developing a group monitoring program for the San Jacinto River Watershed CWAD.

On November 19, 2014, Regional Water Board staff conducted a quarterly meeting of the CWAD advisory group. Discussions focused on updating the CWAD Advisory Group on the status of the Ag. Waiver program and distributing a draft of the Order for commenting. Staff also focused on brainstorming incentives within the CWAD program that could be made available for low risk dischargers.

The next CWAD program advisory group meeting is scheduled to take place on January 27, 2014.

SAN DIEGO REGION

San Diego Regional Water Quality Control Board (Regional Water Board) has made significant progress in developing its tentative General Waste Discharge Requirement (WDR) for Agricultural Dischargers.

The Regional Water Board ILRP is developing Waste Discharge Requirements and a Monitoring and Reporting Plan (collectively referred to as the Ag Order) and associated California Environmental Quality Act (CEQA) documentation for consideration for adoption by the Regional Water Board at its June 10, 2015 Board meeting. The Ag Order is a logical extension of the Ag Waiver, which expired in February 2014, and will be a more effective regulatory tool to reduce the impact to water quality from agricultural activities within the San Diego Region.

San Diego Water Board's Irrigated Lands Regulatory Program Team:

A multi-branch team has been assembled to benefit from the collective knowledge, skills, and experience needed to draft the Ag Order. Weekly meetings are conducted to discuss the various issues and to ensure that the schedule for Ag Order development is

met.

Status of Ag Order Development:

The next major milestone will be in February 2015, when the tentative Ag Order will be available for public distribution.

Stakeholder/Public Outreach:

The ILRP continues to engage stakeholders and the public through stakeholder meetings, public workshops, individual meetings, and the San Diego Water Board ILRP [webpage](#). This robust outreach not only furthers the Proactive Public Outreach and Communication element of the Regional Water Board's Practical Vision strategy, it also provides the opportunity for stakeholders and the public to meet with Regional Water Board staff to provide their input. The Public Outreach also provides Regional Water Board staff the opportunity to discuss why the Ag Order is needed and to engage the Agricultural Community to enroll in and comply with the Ag Order once it is adopted.

Stakeholder meetings were conducted in January and February 2014. Another stakeholder meeting is scheduled for February 2015, and a Public Workshop is scheduled for April 2015.

To date, staff has met with representatives of the San Diego Irrigated Lands Group, the San Diego Farm Bureau, and the San Mateo Irrigated Lands Group. Invitations for additional meetings have been or will be extended to the following stakeholders:

- San Diego County Agricultural Commissioner;
- Riverside County Agricultural Commissioner;
- Riverside Farm Bureau;
- Orange County Farm Bureau;
- University of California Cooperative Extension;
- Mission Resource District;
- Elsinore-Murrieta-Anza Resource District;
- Temecula Valley Winegrowers Association;
- Ramona Valley Vineyard Association;
- San Diego County Flower and Plant Association;
- Selected Grove Managers;
- Indian Environmental Agencies;
- Surfrider Foundation;
- Coast Keeper; and,
- Sierra Club.

Outreach will also include contacting statewide organizations such as the California Avocado Society, the California Sustainable Wine Growing Alliance, and California Certified Organic Farmers.